IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO._____ OF 2020

IN THE MATTER OF ARTICLE 226 OF THE CONSTITUTION OF INDIA

AND

IN THE MATTER OF THE PROVISIONS OF THE GOA TOWN AND COUNTRY PLANNING ACT, 1974;

AND

IN THE MATTER OF ORDER ISSUED BY THE GOA GOVERNMENT FOR PREPARATION OF LAND USE REGISTER AND MAP FOR MAPUSA AND PANAJI PLANNING AREAS IN VIOLATION OF LAW

1. Bodgeshwar Shetkari Sangh
through its President, Bodgeshwar,
Mapusa, Goa 403507.

2. The Tenants Association of Camarcasanacho Bundh,
Through its Secretary, John Yuri Lobo,
Camarcazana, Mapusa, Goa 403507

3. The Goa Foundation
A Society registered under the
Societies Registration Act 1860,
through its Secretary, Dr Claude Alvares,
with registered office at Rm.7, Le Brag
Chambers, Mapusa 403507 Goa.
Email: goafoundation@gmail.com

4. Goa Bachao Abhiyan,
An NGO, through its Convenor, Sabina Martins,
r/o 2, Treeveni, St. Inez,
Panaji – Goa 403601. ……Petitioners

V/s

1. THE CHIEF TOWN PLANNER(PLANNING)
Town and Country Planning Department (HQ)
2nd Floor, Dempo Towers,
Patto Plaza, Panaji, Goa 403001.

2. NORTH GOA PLANNING AND DEVELOPMENT AUTHORITY (NGPDA),
Mala, Panaji, Goa 403 001.

3. GREATER PANJIM PLANNING AND DEVELOPMENT AUTHORITY (GPPDA)
Mala, Panaji, Goa 403 001.

4. STATE OF GOA,
through its Chief Secretary,
c/o Secretariat, Porvorim, Goa 403 521. .....**RESPONDENTS**

(Above addresses are registered addresses of parties)

To,
The Hon'ble Chief Justice
& His Companion Judges,
Bombay High Court at Panaji, Goa

HUMBLE PETITION OF THE PETITIONERS

MOST RESPECTFULLY SHEWETH AS UNDER:

1. Petitioner No.1 is a farmers' association of persons having fields and conducting farming activity in the area known as Bodgeshwar in Mapusa. Petitioner No 1 has objected to the prepared Land Use Register and Map of Mapusa on grounds that it has illegally wiped out names of all tenants and farmers in the draft documentation prepared and published by the North Goa Planning & Development Authority (Resp.No.2). Petitioner No.2 is an association registered under the Agricultural Tenancy Act and is in the forefront for protection of tenanted fields, forests and khazans of Mapusa town. Together with petitioner No 3, it has filed a PIL in this Hon'ble Court for cancellation of the Town Planning Scheme of Mapusa on the ground of violation of provisions of the Goa

Land Use Act, 1991. Both these associations are extremely disturbed at the alarming rate at which tenanted lands are disappearing in the town of Mapusa and pray for stringent action against the Respondents.

2. Petitioner No.3 is a society registered under the Societies Registration Act, 1860 and is represented by its Secretary, Dr Claude Alvares, as described in the cause-title hereinabove. Petitioner has been in the forefront of espousing causes for the protection of the environment in this Hon. Court, the National Green Tribunal and the Hon. Supreme Court of India. The registered office of the society is in Mapusa town.

3. Petitioner No.4 is an NGO that successfully led the public movement to cancel the Regional Plan 2011. It has thereafter been actively involved in PILs relating to town planning issues. Some of these PILs are pending adjudication before this Hon'ble Court. It has also written to the GPPDA objecting to the Land Use Register and Map. Authorisation and registration details of the petitioners (1-4) are at

Annexure 1 colly. Undertaking by Petitioner No.3 is at **Annexure 2**.

4. This writ petition is being filed for a writ or order in the nature of a writ to quash and set aside part of 2 identical orders dated 28.12.2018 issued by the Respondent No.1 to the Resp.Nos.2 and 3. The orders require the Respondent authorities to prepare a Land Use Register and Map under section 26-27 of the Town and Country Planning, Act (TCP Act), 1974. The order is not in conformity with law, as, when an order for alteration of a Development Plan is issued under Section 39 of the TCP Act (Chapter VI of the Act – Preparation of Development Plans), the Planning Authority may only rely upon sections 34-38 of the TCP Act, and no order may be issued to go back to Section 26 (Chapter V – Present Land Use), which deals exclusively with the preparation of a Land Use Register and Map. Hence this PIL, since the impugned orders are colourable exercise of power and are contrary to public interest and town planning,

affecting petitioners' right to a planned environment under Article 21 of the Constitution of India.

Declaration and undertaking of the Petitioners:-

5. That the present petition challenges orders issued by the Government of Goa through its Chief Town Planner, directing the planning authorities *inter alia*to prepare a Land Use Register and Map which is contrary to the provisions of the Town and Country Planning Act, 1974.

6. That the entire litigation costs, including the advocate's fee and other charges are being borne by the Petitioners.

7. That a thorough research has been conducted in the matter based on which the grounds are raised in the petition.

8. That to the best of the knowledge of the Petitioners and research done by them the issues raised in this petition were not dealt with or decided in any other petition, and that a similar or identical petition was not filed earlier by them.

9. That the Petitioners have understood that in the course of hearing of this petition the court may require any security to be furnished towards costs or any charges, and the Petitioners shall comply with such requirements.

10. That to the petitioners' knowledge there is no civil or criminal litigation pending with regard to the subject matter of this petition before any other Court.

11. Petitioners state that this Hon'ble Court has jurisdiction to hear and dispose of this matter.

Facts in brief, constituting the cause:

12. That the Town and Country Planning Act was passed in 1974 by the Goa Assembly. Thereafter, under the Act, the Chief Town Planner is duty bound to prepare the statutory Regional Plan, following which, for those areas which may require more intensive planning (urban areas), Planning Areas are to be notified under the Act and Planning and Development Authorities (PDAs) are set up to prepare Development Plans for such planning areas. Prior to the preparation of a

Development Plan, the PDA is required under Chapter V to prepare a Land Use Register and Map which shows *existing* use of all plots and areas within the planning area.Thereafter, the PDA mustprepare first an Outline Development Plan (ODP) and thereafter, a Comprehensive Development Plan (CDP).

13. The Land Use Register and Map is a primary document for providing data for preparation of a Development Plan.It is prepared under Section 26-27(Chapter V) of the TCP Act which reads as follows:

> **26. Preparation of map and register showing present land use.—** Every Planning and Development Authority shall, as soon as may be, and not later than six months from the date of its constitution or appointment, as the case may be, or within such further period as the Government may from time to time extend, prepare a land use map (hereinafter in this Chapter referred to as the map) and a land use register (hereinafter in this Chapter referred to as the register) in the prescribed form indicating the present use of every piece of land in the planning area:

Provided that where a local authority has been appointed as Planning and Development Authority for any planning area and such local authority has prepared a map or a register, or both, in respect of the said area before such appointment, the map or the register so prepared shall be deemed to be a map or register, respectively for the purposes of this section.

14. After the Land Use Register and Map is verified and corrected subject to public objections, it is published and thereafter becomes the basis of the Outline Development Plan that must be prepared under Sections 34-38 of the Act. An order to modify the ODP in terms of alterations/additions is passed under Section 39 which reads as follows:

39. Alteration of Development Plan and making of minor changes.— (1) At any time after the date on which a Development Plan for an area comes into operation, and at least once in every ten years after that date, the Planning and Development Authority shall, after carrying out such fresh surveys, as may be considered necessary or directed by the Board and the Government, prepare after consultation with the local authorities concerned, if any, and submit to the Board

and the Government, a Development Plan for any alterations or additions considered necessary to the Development Plan in operation.

(2) The provisions of sections 34 to 38 (both inclusive) shall, as far as may be, apply to a Development Plan submitted under sub-section (1).

(3) At any time after the date on which the Development Plan for an area comes into operation, the Planning and Development Authority may, with the prior approval of the Government, make such minor changes in such Development Plan as may be necessary for correcting any typographical or cartographical errors and omissions or details of proposals not fully indicated in the Plan or changes arising out of the implementation of the proposals in the Development Plan:

Provided that all such changes are in the public interest and are notified to the public.

15. Once the ODP is prepared, the CDP is the next stage. Finally, in some areas of a CDP, Town Planning Schemes may be undertaken following due procedure. The TCP Act thus sets out a series of sequential steps for all these activities.

16. This PIL deals with the notification and implementation of the development plans of Mapusa and Panjim. The Mapusa Outline Development Plan (ODP) was notified on 28.12.2016 and is being revised afresh under the jurisdiction of the NGPDA, whereas the Panjim ODP is being revised afresh by the Greater Panaji Planning and Development Authority (GPPDA). The specific challenge in the PIL is to the identical orders dated 28.12.2018 issued by the Government of Goa directing both the planning authorities to undertake preparation of maps and registers showing present land use under Sections 26-27 of the TCP Act and to take up the process afresh of revising the ODPs. True copies of the impugned orders are at **Annexure 3 colly**.

17. The petitioners submit that there is no provision in the TCP Act which allows the authority, once a decision has been taken to alter the ODP under Section 39 of the Act, to go back to Section 26, for preparation of map and register showing present land use. Further, the recourse to preparation of a map and land use register *after* a Development Plan has been

notified is contrary to the scheme of the Town and Country Planning Act and therefore cannot be sustained or countenanced. A Land Use Register and Map can be carried out only once, prior to the preparation and notification of the ODP. If the PDA considers that certain alterations or additions are necessary to be made to the ODP/CDP which is in operation – and the same is agreed to by the TCP Board and the government –the provisions of S 34 to 38 only shall be followed. There is no provision for the revision of the Land Use Register and Map once it has been adopted. Once an Outline Development Plan has come into force, it remains always in operation, subject to modifications, corrections, or additions (as new areas are brought in). There is neither scope nor scheme permissible under the TCP Act for creating a new ODP and replacing the notified ODP.

18. Petitioners are already before this Court in respect of earlier challenges to the ODPs of Mapusa and Panjim on various grounds. These are numbered as PIL Writ Petition No.10 of 2019 and PIL LD-VC-CW No.158/2020. The matters are

pending adjudication and have been under active consideration of this Hon'ble Court. This Court has issued notice, and certain orders have also been passed in the PILs.

19. It is during the pendency of these petitions, that the NGPDA produced copies of the impugned orders issued by the government directing it to revise the ODPs afresh and prepare a land use register and map for the planning areas of Mapusa and Panaji. Pursuant to these orders, the planning authorities have commenced preparation of a land use register and map under Section 26-27 of the TCP Act.

20. During the petitioners' interaction with the planning authorities, it became clear to the petitioners that apart from preparation of a Land Use Register and Map, a fresh exercise (and not mere alterations/additions) was being carried out in respect of the ODPs of both cities, which is not permitted by law. Accordingly, the petitioners addressed letters to the planning authority drawing attention to the fact that once an order is issued under section 39 of the TCP Act, only

alterations or additions to the development plan will be permitted and the only provisions that will be applicable will be sections 34-38 (both inclusive). Petitioner No.2 addressed a letter dated 20.8.2020 to the NGPDA drawing its attention to the illegality. So did the Petitioner No.3 by its letter dated 31.8.2020. Copies of the said letters are at **Annexure 4** and **Annexure 5**.

21. Thereafter, the petitioners, at a meeting with the Member Secretary at the NGPDA, sought clarification on the reversion to Section 26 for preparation of the ODP which is not as per the regulation. They were informed that the NGPDA was only following the order issued by the government which it was duty bound to do. However, there is no provision in the TCP Act for issue of such an order by the government.

22. Petitioners submit that the purpose of repeatedly carrying out an exercise under Section 26-27 (Present Land Use Register and Map) is solely with a view to legitimise illegal and ad hoc land use changes and developments in the planning area,

since for preparation of a Land Use Register, the legality or illegality of a structure is not a consideration for inclusion or exclusion in the survey of the *present land use* of plots.

23. Wherever an ODP is in operation, the only response to illegal land use is a demolition order issued under Section 44. There is in fact a prohibition to carry out any non-conforming activity or development laid down under Section 43. However, since the PDA is a silent party to most of the illegal constructions and developments in its jurisdiction, the easiest way of wiping the slate clean and granting some legitimacy to all the illegal developments is to simply commence the preparation of a new Land Use Register.

24. It may be noted that when the existing ODPs for both Panaji and Mapusa were modified and notified in December 2016, the PDA did not prepare a land use register and map in either case.

Panjim Land Use Register and Map

25. The Land Use Register and Map for Panjim has been prepared in 2007 and adopted as of 22.1.2009.

26. In the case of the Panjim ODP, the following developments are to be noted:

    a) On 13.11.2019, the Government had issued an order amalgamating the Panjim Planning Area with the existing Planning Areas which fall under the jurisdiction of the GPPDA. Thus, from 13.11.2019, the Panjim Planning Area was no longer under the jurisdiction of the NGPDA. On 26.2.2020, the government issued an order informing the NGPDA / GPPDA that a Development Plan cannot be suspended as it is always in operation. Copy of the order is annexed to this petition as **Annexure 6**. However, there was no prior order issued under Section 18(4) of the Act, directing that the Rules, Regulations and notifications in force would continue to apply to the planning area at the time of its amalgamation. The Government has since

issued the required notification only on 19.08.2020. Hence, the earlier order dated 26.2.2020 – which was issued to ensure continuation of implementation of the notified Panaji ODP – has been issued without any legal foundation.

b) However, in view of the new notification dated 19.08.2020, the ODP of Panjim does not lapse as per the requirement of Section 19 (2)(i), but is now being recognised as a valid ODP handed over to the GPPDA (under Section 18(4)). If this is so, then there is no question of preparation of a new land use register and map. If the exercise has been conducted, it is illegal, since it does not have the authority of law.

c) As is to be expected, the impugned notified land use register for the Panjim Planning Area under the GPPDA now displays large scale manipulation of zoning and classification of plots, proving the contentions of the petitioners. A land use map is the conclusion of a study

carried out to mark what *exists*, with respect to the use, intensity of use, utilities, condition of the structures, etc. Form 'A' [Rule 10(2)]of "The Goa, Daman and Diu Town and Country Planning (Planning and Development Authority) Rules, 1977" indicates the manner in which the Land use register is to be prepared and contains detailed information under various fields. For the sake of convenience, Form A, Rule 10(2) is annexed to this petition as **Annexure 7**. A number of these fields have been omitted in the draft land use register such as condition of the buildings, Plot FSI and block FSI which provide relevant information linked to the need for urban renewal, need for re-construction, conservation fabric, etc.

d) The listed uses in the land use classification of the TCP Rules [Form 'A' [Rule 10(2)] have been grouped into Main-Group as well as Sub-Group which lead to a reasonably detailed understanding for proper planning exercise. As an example, Residential Main-Group is further classified into Single family, two family, multi

family, Holiday homes and boarding houses, etc. Similarly Commercial Main-Group is further classified under Retail trade, wholesale trade, Warehouses and storage, Offices including Government offices and banks, Restaurants, hotels and transient boarding, etc; Cinema and other places of public assembly run on a commercial basis, professional establishments, etc.

e) Use classification of land in the *impugned* published Map is listed as follows: Residential, Commercial, **Mixed use**, **Under construction**, Public/ Semi-Public, Government/Institutional, Religious, Agriculture, Parks / Playgrounds and Recreational, Crematoria/Cemetery and burial ground, Parking area. This includes arbitrarily introduced use classifications which are extraneous to Form A, Rule 10(2).

f) Further, a number of major inaccuracies (or mala fide changes) are seen in the land use register such as listing of use against buildings. A classic example of such a case is

of “Sunshine Building Cooperative housing society” has been shown as commercial use on all floors whereas only part of the ground floor is commercial. Many other such discrepancies are seen both in the Register as well as in the Map which lead petitioners to conclude that this exercise has not been carried out sincerely and there has been indirect influence. In any case, the register should only show existing land use and not what is requested or demanded by the plot owner in question. Petitioners crave leave to produce the draft Land Use Register and Map in these proceedings, as and when required, asthey are bulky documents and petitioners are ever mindful of unnecessary wastage of paper.

g) Removing use classifications listed in the Act and adding new classification is contrary to the norms laid down in the law. It appears that the classification list is itself being degraded in order to allow land uses that have been allowedin contravention of the existing ODP.

h) Petitioner No.4 therefore sent a letter to the PDA in which it listed out the various irregularities which were consciously done and did not appear to be in the category of errors or random changes. Copy of the said letter is at **Annexure 8**.

i) Petitioners reiterate that the Land Use Register can only be made from survey data of *existing* land use of a plot. However, this is not the case with the impugned notified land use register and map.

j) Petitioners submit that all this indicates mala fides on the part of the authority which has prepared the document. As the operation of the ODP 2021 (now under the GPPDA) is now on hold, the purpose appears to be to get these changes incorporated under the land use register route. The preparation of the land use register is illegal since the order dated 19.08.2020 issued recently by the Goa government saves the ODP as promulgated when it was part of the NGPDA. If so, the preparation of a fresh land

use register for this planning area which has already culminated in an ODP cannot be lawful and must therefore be quashed and set aside.

Mapusa Land Use Register and Map

27. The Land Use Register and Map for Mapusa was prepared in 2007 and adopted in 2009.

28. Petitioners have objected in writing to the fresh preparation of the Mapusa Land Use Register and Map, on grounds that its preparation has no legal basis. When the existing ODP was notified in December 2016, the PDA did not prepare a fresh land use register and map. The ODP was based on the Land Use Map and Register adopted in 2009.

29. In the case of Mapusa too, large scale irregularities are manifest in the prepared land use register and map prepared. Some 1300 names of farmers, mostly tenants, have been deleted from the land use register, and mysteriously the names of the original landowners – long sent into oblivion by the Land to the Tiller Act of 1976 – have been resurrected.

This kind of corruption in public policy should not be tolerated, especially in context of the Goa Land Use Act, 1991, which overrides the provisions of the Town and Country Planning Act. Petitioners crave leave to produce the draft Land Use Register and Map in these proceedings, as and when required as they are also bulky documents.

30. These actions have prompted the petitioner No.2 to address a detailed communication to the NGPDA drawing its attention to several irregularities and omissions in the ODP in operation and now that it is under revision, have those irregularities and omissions corrected. The petitioner No.2 has requested for previous omissions and illegalities to be remedied. These include:

    a) All forested stretches to be recorded, as per State level Expert Committee reports;
    b) All agricultural tenanted plots to be so recorded;
    c) All khazan lands to be clearly demarcated;

d) All C1 zones to revert to the predominant land use of the area in which they are located.

Copy of the said letter is at **Annexure 9**.

31. Petitioners state that despite their protests, the preparation and publication of the land use registers continue to occupy the attention of both the NGPDA and GPPDA. Petitioners are anxious that at any given moment these land use registers may be approved and published giving them some legitimacy. Hence this PIL on the following grounds, among others:

G R O U N D S

32. The scheme of the Town and Country Planning Act 1974, as provided for in the various provisions of the Act, is planning in decided stages. The first step is the preparation of a broad land use plan called the Regional Plan of Goa by the Chief Town Planner. During or after the preparation of the Regional Plan, as a further phase in the planning process, the government is empowered under Section 18 to declare "planning areas" in respect of those areas that may require

more intensive planning. The government also sets up a Planning and Development Authority to carry out the planning process and to regulate development within the planning area.

33. As a first step, the PDA commences under Section 26 preparation of a map and register showing the present land use. After this is completed, and notified, the PDA commences the preparation of the ODP. After the ODP is completed and notified, the TCPAct requires further detailing in the form of the comprehensive development plan (CDP). Finally, the government under Section 36, may require the PDA to take up various parts of various planning areas for preparation of a town planning scheme (TPS) with facilities.

34. As per the submissions of the petitioners, in both cases of Panjim and Mapusa, the planning process under the TCP Act has passed the ODP stage which has been completed. The PDAs are now required to go into the Comprehensive Development Plan (CDP) stage. This is as per the logical

scheme of the Act even though the word "development plan" is used to mean both the ODP and CDP.

35. Petitioners submit that once an ODP is notified and is in operation, it continues to be in operation and cannot be suspended or recalled and must be implemented. The preparation of the development plan is based on the land use register and map which are the result of detailed survey of the *existing* land use of all plots. Once the ODP has been notified, the TCP Act only permits recourse to Section 34-38 if it is to be subject to alterations. There is no sanction in law to return to Section 26-27 of the Act.

36. Petitioners therefore submit that the preparation of the present land use map and register is beyond the scope of law and therefore needs to be set aside. Petitioners state that when the land register is prepared, all that is determined is the use on which land is put to on the day the survey has been carried out. Whether the building is legal or illegal, whether the development carried out is sanctioned or not, is not a

consideration since the first development plan is yet to be prepared. Every detail of the use to which the land is put on the day of the survey must be before the planners while carrying out the preparation of the first development plan. Naturally, once the development plan is prepared and notified, there is no scope for any further illegality or illegal development which can be allowed. Development of any plot can proceed only after permission has been secured under Section 44 of the Act. If any development is carried out after the declaration of a planning area, without permission under section 44, it is bound to be noticed and demolished, not saved (Jimmy Gazdar judgement of this Court). Petitioners submit that the only method by which such continuing illegal or unauthorized development can therefore be legitimized is by reverting to the preparation of a land use register afresh. Petitioners also submit that there is no scope in the scheme of the Act for reverting to Section 26 after the development plan has been notified. Hence their plea for quashing and setting aside (part) of the impugned orders is just and lawful.

Source of Information

37. The Petitioners are relying on information received under the public notice of the Land Use Register and Map made available through the Mapusa Municipal Council and the NGPDA.

Nature and extent of Injury caused / apprehended

38. The use of Section 26 of the TCP Act, 1974 after the final notification of an ODP is not lawful and being done for extraneousand mala fide purposes. If the exercise is permitted despite being in contravention of law, the entire scheme of town planning laid down under the TCP Act is placed in jeopardy and becomes meaningless.

Delay, if any, in filing the petition

39. There is no delay in filing this petition. At the present moment, both Land Use Registers and Maps are under notice for receipt of objections. This is required to be followed up by granting a personal hearing to those who have filed

objections. The cause of action in relation to Panaji arose after the situation described in para 26 (a-b) of this petition, when an order was issued on 19.8.2020 under Section 18(4) of the TCP Act, 1974.

Representations made

40. Petitioner Nos. 2, 3 and 4 have made representations to concerned authorities through letters, and also made a personal visit to the office of the NGPDA. Petitioner No.1 has led protests at the Mapusa Municipal Council with hundreds of affected farmers, protesting the exclusion of the names of hundreds of tenanted farmers. As a result, the MMC has requested the NGPDA not to notify the Land Use Register and Map as concerns are expressed.

Documents relied upon

41. List of documents to be relied upon is provided in the index.

42. Petitioner is therefore entitled to an appropriate writ, order or direction, to quash and set aside the orders dated 28.12.2018 (part).

43. The cause of action has arisen in Goa.

44. Petitioner has not filed any petition in respect of the impugned order either in this Hon. Court or the Hon. Supreme Court or any other Court.

45. Fixed Court Fees as prescribed is paid hereon.

46. Petitioner has not received any notice of any Caveat from any of the Respondents.

47. Petitioners are therefore approaching this Hon'ble High Court for the following reliefs:

P R A Y E R S

i) For an order to quash and set aside the decision of the government as communicated in the two orders dated 28.12.2018 to prepare the land use register and map for Panjim and for Mapusa under Section 26-27 of the TCP Act;

ii) To direct the NGPDA and GPPDA to carry out alternations/additions in the development plan only in terms of Section 34-38 of the TCP Act.

iii) To direct the NGPDA and GPPDA to demolish all illegal constructions and non-conforming land uses that are not in harmony/conformity with the notified ODP.

Interim reliefs:

iv) Pending hearing and final disposal of this PIL, for an order staying the publication / notification of any land use register and map in respect of both Mapusa and Panjim planning areas.

v) Pending hearing and final disposal of this PIL, for an order to NGPDA / GPPDA to produce a list of non-conforming uses and developments contrary to the notified ODPs which are currently in operation.

vi) For costs of this PIL;

vii) Any other reliefs this Hon'ble Court may be pleased to grant in public interest.

Mapusa

Date: 16.10.2020

(Petitioner No.1)

(Petitioner No.2)

(Petitioner No.3)

(Petitioner No.4)

NOTARY
Janardhan S. Parshekar
Mapusa Barder-Goa
Regd. No. 218/10
Expiry Date
29/01/2025
GOVT. OF GOA (INDIA)

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO._____ OF 2020

Bodgeshwar Shetkari Sangh
and two others .....Petitioners

V/s

Chief Town Planner (Planning) & ors ..... Respondents

AFFIDAVIT IN
SUPPORT OF THE PETITION

I, Dr Claude Alvares, Secretary, Petitioner No. 3 organisation herein, do hereby solemnly affirm and declare as under:-

1. I have today filed a writ petition in public interest for the reliefs sought therein.

2. I state that there is no personal gain, private motive or oblique reason in filing the PIL.

3. The petitioners are ready to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous considerations or that it lacks bona fides.

4. The petitioners shall disclose the source of their information, leading to the filing of the PIL, if and when called upon by the Court, to do so.

5. I solemnly declare and say that what has been stated in paras 1, 2, 3, 4(p), 5(p), 6(p), 7(p), 8(p), 9(p), 10-16, 17(p), 18, 19, 20(p), 21(p), 23(p), 24, 25, 26(p), 27, 28, 29(p), 30, 31(p), 37, 39(p), 40, 41, 42(p), and 43-46 of the accompanying petition are in the nature of facts which are true to my own knowledge I believe the same to be true and the contents of paras 4(p), 5(p), 6(p), 7(p), 8(p), 9(p), 17(p), 20(p), 21(p), 22, 23(p), 26(p), 29(p), 31(p), 32-36, 38, 39(p), 42(p) and 47 are my submissions, made on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed there from.

6. I say that the documents annexed are true copies of their originals.

Solemnly affirmed at Mapusa

this the 16th of October, 2020

Deponent

NOTARY
Janardhan S. Parshekar
Mapusa Bardez - Goa
Regd. No. 218/10
Expiry Date
29/01/2025
GOVT. OF GOA (INDIA)

SOLEMNLY AFFIRMED AND VERIFIED
BEFORE ME BY Dr. Claude Alvey
WHO IS IDENTIFIED BEFORE ME BY
WHOM I PERSONALLY KNOW
REG No. 1502/2020 DATED 16/10/2020

JANARDHAN S. PARSHEKAR
NOTARY AT MAPUSA, BARDEZ - GOA.
STATE OF GOA, INDIA.